



General Assembly

January Session, 2013

Committee Bill No. 5896

LCO No. 5062



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT REQUIRING STATE AGENCIES TO CITE SPECIFIC
STATUTORY AND REGULATORY AUTHORITY FOR THEIR ACTIONS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 4-179 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) When, in an agency proceeding, a majority of the members of the
4 agency who are to render the final decision have not heard the matter
5 or read the record, the decision, if adverse to a party, shall not be
6 rendered until a proposed final decision is served upon the parties,
7 and an opportunity is afforded to each party adversely affected to file
8 exceptions and present briefs and oral argument to the members of the
9 agency who are to render the final decision.

10 (b) A proposed final decision made under this section shall be in
11 writing and contain a statement of the reasons for the decision and a
12 finding of facts and conclusion of law on each issue of fact or law
13 necessary to the decision, including the specific provisions of the
14 general statutes or of regulations adopted by the agency upon which

15 the agency bases its findings.

16 (c) Except when authorized by law to render a final decision for an
17 agency, a hearing officer shall, after hearing a matter, make a proposed
18 final decision.

19 (d) The parties and the agency conducting the proceeding, by
20 written stipulation, may waive compliance with this section.

21 Sec. 2. Subsection (c) of section 4-180 of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2013*):

24 (c) A final decision in a contested case shall be in writing or orally
25 stated on the record and, if adverse to a party, shall include the
26 agency's findings of fact and conclusions of law necessary to its
27 decision, including the specific provisions of the general statutes or of
28 regulations adopted by the agency upon which the agency bases its
29 decision. Findings of fact shall be based exclusively on the evidence in
30 the record and on matters noticed. The agency shall state in the final
31 decision the name of each party and the most recent mailing address,
32 provided to the agency, of the party or his authorized representative.
33 The final decision shall be delivered promptly to each party or his
34 authorized representative, personally or by United States mail,
35 certified or registered, postage prepaid, return receipt requested. The
36 final decision shall be effective when personally delivered or mailed or
37 on a later date specified by the agency.

38 Sec. 3. Subsection (c) of section 4-182 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective*
40 *October 1, 2013*):

41 (c) No revocation, suspension, annulment or withdrawal of any
42 license is lawful unless, prior to the institution of agency proceedings,
43 the agency gave notice by mail to the licensee of facts or conduct which
44 warrant the intended action and the specific provisions of the general
45 statutes or of regulations adopted by the agency that authorize such

46 intended action, and the licensee was given an opportunity to show
 47 compliance with all lawful requirements for the retention of the
 48 license. If the agency finds that public health, safety or welfare
 49 imperatively requires emergency action, and incorporates a finding to
 50 that effect in its order, summary suspension of a license may be
 51 ordered pending proceedings for revocation or other action. These
 52 proceedings shall be promptly instituted and determined.

53 Sec. 4. (NEW) (*Effective October 1, 2013*) (a) For purposes of this
 54 section, "state agency" means any department, board, council,
 55 commission, institution or other executive branch agency of state
 56 government and "business entity" means a corporation, association,
 57 partnership, limited liability company or any other similar form of
 58 business organization.

59 (b) Notwithstanding any provision of the general statutes,
 60 whenever any state agency (1) acts on any application, petition or
 61 request by an individual or business entity for a permit, license,
 62 approval or other permission to conduct any business activity or use of
 63 private property, (2) restricts or imposes a condition on any business
 64 activity or use of private property, or (3) brings an enforcement action,
 65 issues a cease and desist order or otherwise requests an individual or
 66 business entity to modify or stop any business activity or use of private
 67 property, such state agency shall provide to any such affected
 68 individual or business entity, upon request, the specific provision of
 69 the general statutes or regulations adopted by such agency or general
 70 permit that authorizes such state agency's action.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2013</i> | 4-179 |
| Sec. 2 | <i>October 1, 2013</i> | 4-180(c) |
| Sec. 3 | <i>October 1, 2013</i> | 4-182(c) |
| Sec. 4 | <i>October 1, 2013</i> | New section |

GAE *Joint Favorable*